REMARKS

Claims 1, 6, 12, 15-16, 18, 20 and 23-27 are presented for examination.

Claim 1 has been rewritten to correct an inadvertent logic error therein. Claim 16 has been rewritten simply to make it more readable. Claim 25 has been rewritten to correct a spelling error and provide an antecedent basis for "the casing sidewall," as required by the Examiner.

new cl 16 does not have housing, uses casing instead

The Examiner is referred to Claim 16 for antecedent support for the language "the housing" in Claim 20.

All claims are rejected for double patenting relative to U.S. 4,860,757, U.S. 5,273,042, U.S. 5,448,993, U.S. 5,810,012, and U.S. 6,011,988. The basis for the rejection is unclear. While the rejection is made apparently for statutory Section 101 double patenting, the Examiner acknowledges that some "claims are different only to a minor extent such that it would have been obvious to one of ordinary skill in the art to have modified the differences." Such claims are not properly rejectable under statutory Section 101 double patenting, but only under the judicially created doctrine of obviousness-type double patenting. The difference is significant because a rejection based on obviousness-type double patenting can be overcome by filing a Terminal Disclaimer, while a rejection based on statutory Section 101 double patenting cannot be overcome by such a Terminal Disclaimer. Accordingly, Applicant respectfully requests that the Examiner clarify which claims of the present application are rejected for which type of double patenting. Such clarification should be in the form of a non-final office action so that Applicant will have at least one opportunity to respond thereto without the

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constraints imposed by a final rejection. Applicant may wish to cancel or amend the claims rejected for statutory Section 101 double patenting, while filing a Terminal Disclaimer to overcome the rejection of the remaining claims.

In preparing the clarification, the Examiner may wish to consider the following points:

1. Method Claims 25-27 are directed to a method of advancing a flexible guidewire "using only one hand" and require in step B "with only one hand grasping the casing . . . ." None of the patent claims cited by the Examiner are limited to a method using only one hand.

2. Product Claim 1 and all claims dependent thereon require "the aperture being located between the outlet of the casing and the guidewire exit point of the straightening element." None of the patent claims cited by the Examiner requires this precise placement of the aperture. (Indeed, some of the patent claims require the aperture to be disposed in the casing rather than on the straightening element.)

3. Product Claim 16 and all claims dependent thereon require not only "an aperture in the casing" but "the aperture being positioned near the end port of the casing." None of the patent claims that specify that the aperture be in the casing further requires "the aperture being positioned near the end port of the casing."

Accordingly, the present claims are directed only to preferred embodiments of the present invention; they are more limited in scope then the cited patent claims and not coextensive therewith. Thus, there is no basis for a statutory double patenting rejection.

In view of the above amendments and remarks, reconsideration of the rejection and allowance of all claims is respectfully requested.

If an extension of time is required to enable this document to be timely filed and there is no separate Request for Extension of Time, this document is to be construed as also constituting a Request for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed. Any fee required for such a Request for Extension of Time and any other fee required by this document pursuant to 37 C.F.R. §§ 1.16 and 1.17 and not submitted herewith should be charged to the Deposit Account of the undersigned attorneys, Account No. 01-1785; any refund should be credited to the same account. One copy of this document is enclosed.

Respectfully submitted,

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REDLINED VERSION OF THE CLAIMS

Rewrite Claims 1, 16 and 25 as follows:

1. (Twice Amended) A guidewire advancement device comprising:

a flexible guidewire having a curved distal end;

a casing for holding the guidewire, the casing being formed in a loop and having an outlet;

a straightening element having a guidewire exit point and a tube portion adjacent the guidewire exit point, the tube portion formed to straighten the curved distal end of the guidewire as the guidewire is passed through the tube portion, the straightening element being connected to the casing at the [guidewire exit point] outlet of the casing; and

an aperture on said straightening element to expose a portion of the guidewire and through which the portion of the guidewire can be manually engaged, the aperture being located between the outlet of the casing and the [tube portion] guidewire exit point of the straightening element.

16. (Twice Amended) A guidewire advancement device comprising:

a flexible guidewire having a curved distal end;

a casing for holding the guidewire, the casing being formed in a loop and having a portion extending beyond the loop, the portion extending to an end port;

an aperture in the casing to expose a length of the guidewire and through which the length of the guidewire can be manually engaged in order to displace the guidewire

relative to the end port, the aperture being positioned near the end port of the casing; and

a straightener [that is] connected to the casing at the end port[, which receives] and receiving the guidewire displaced through the casing, the straightener including a straightener tube having a length and diameter to straighten the curved distal end of the guidewire.

25. (Amended) A method of advancing a flexible guidewire to a desired intracorporeal location using only one hand, comprising the steps of:

(A) providing (i) a flexible guidewire having a curved distal end, (ii) a casing holding the guidewire, the casing being formed in a loop and having an outlet for the guidewire and a sidewall, and (iii) a straightening element having a guidewire exit point and a tube portion adjacent the guidewire exit point, the tube portion being configured and dimensioned to straighten the curved distal end of the guidewire as the guidewire is passed through the tube portion, the straightening element being adjacent the guidewire exit point;

the [casting] casing sidewall defining an aperture exposing a portion of the guidewire and through which the exposed length of the guidewire can be manually engaged, the aperture being located between the outlet of the casing and the tube portion of the straightening element; and

(B) with only one hand grasping the casing sidewall and with at least one finger of the hand manually engaging the exposed portion of the guidewire through

the casing aperture, advancing the guidewire through the casing and into the desired intracorporeal location.